HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE

WRIT PETITION NO. 20172 OF 1996

BETWEEN

Kanchu Maruthi Shivaji Rao

.....**Petitioner**

And

Government of India, Ministry of Home Affairs,
Freedom Fighters Division, New Delhi & others

.....**Respondents**

:: O R D E R::

Counsel for the Petitioner : Shri Sreenivas Reddy

Counsel for Respondent No.1 : Shri A. Rajasekhar Reddy, Assistant Solicitor General

Counsel for Respondent Nos.2 and 3 : Government Pleader for Revenue

Dated: 19.07.2006

Although this petition filed by Shri Kanchu Maruthi Shivaji

Rao in the matter of grant of pension under the Swatantra Sainik Samman Pension Scheme, 1980 (for short 'the 1980 Scheme') is not properly articulated and prayer has not been made for quashing communication dated 15.11.1989 vide which the Central Government rejected his claim for grant of pension, I do not consider it proper to non-suit the petitioner on that ground at this belated stage.

A perusal of the record shows that the application made by the petitioner for grant of pension under the 1980 Scheme was rejected by the Central Government vide letter dated 20.07.1983 and again vide letter dated 15.11.1989. In the second communication, it has been mentioned that the claim of the petitioner of having remained underground suffers from contradictions.

In the context of reasons enumerated in the last mentioned communication, I enquired from Shri A. Rajasekhar Reddy, learned Assistant Solicitor General as to what are the contradictions in the petitioner's claim, but he could not point out any contradiction and fairly stated that the competent authority of the Government of India would re-consider the petitioner's claim for grant of pension under the 1980 Scheme and appropriate decision will be communicated to him at the end of two months' period.

I appreciate the fair stand taken by the learned Assistant Solicitor General and dispose of the writ petition with the direction that the competent authority shall re-consider the petitioner's claim for grant of pension under the 1980 Scheme and pass appropriate order within a period of two months. It is expected that the concerned authority will pass a reasoned order and communicate

the same to the petitioner at the end of two months period.

The petitioner is given liberty to submit supplementary representation and produce copies of all the documents which he may have already submitted along with his earlier applications/representations. He may also send a typed copy of the recommendations made by the State Government for grant of pension to him under the 1980 Scheme.

G.S.SINGHVI, CJ

Note:
The Court Officer is directed to give attested copy of this order to Shri A. Rajasekhar Reddy, learned Assistant Solicitor General to facilitate passing of appropriate order by the competent authority within the stipulated time.

ksld
19.07.2006